

HOUSE....No. 43.

Mr. Brigham, of Boston, moves to recommit the Bill, (House, No. 36,) to establish an Assistant Attorney for the Commonwealth, for the county of Suffolk, to the Committee on the Judiciary with instructions to report, in lieu thereof, the following, viz :

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Forty-Nine.

AN ACT

To establish the Office of Attorney General.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

1 SECT. 1. There shall be an attorney general of
2 this Commonwealth, to be appointed and commis-
3 sioned by the governor, with the advice and consent of
4 the council, in the manner prescribed by the consti-
5 tution, who shall have, hold, and exercise, all the
6 powers and duties by law appertaining to that office
7 in this Commonwealth.

1 SECT. 2. The attorney general shall appear for
2 the Commonwealth, in the Supreme Judicial Court,
3 when held by three or more justices thereof, in all
4 prosecutions for crimes punishable with death, and
5 also in the trial and argument, in said court, of all
6 causes, criminal or civil, in which the Common-
7 wealth may be a party, or be interested.

1 SECT. 3. The attorney general shall also, when
2 required by the governor, or either branch of the
3 legislature, appear for the Commonwealth, in any
4 court or tribunal, in any other causes, criminal or
5 civil, in which the Commonwealth may be a party, or
6 be interested.

1 SECT. 4. The attorney general shall consult with
2 and advise district attorneys, whenever requested by
3 them, in all matters appertaining to the duties of
4 their offices, and shall prepare, from the returns of
5 the district attorneys, and transmit to the legislature,
6 annually, as early in the month of February as is
7 practicable, such abstracts and tabular statements as
8 will show the nature and extent of crime in this
9 Commonwealth, and in the several counties thereof;
10 the number of prosecutions, and the results thereof,
11 and the punishments awarded; particularly discrim-
12 inating between those crimes which are perpetrated
13 against the person, and against the rights of property,
14 and whether with violence, or without violence;
15 the amount of the costs arising in such prosecutions,
16 and whether the same are paid by the persons ac-
17 cused, or not; with all such other information as
18 may present full and complete statistics of crime, and
19 the operation of criminal laws in this Commonwealth,

20 and with such observations and statements as, in his
21 opinion, the criminal jurisprudence, and the proper
22 and economical administration of the criminal law,
23 shall warrant and require.

1 SECT. 5. The Commonwealth's attorney for the
2 county of Suffolk, and the several district attorneys,
3 shall make the annual returns, which they are now by
4 law required to make to the secretary of the Com-
5 monwealth, to the attorney general.

1 SECT. 6. The attorney general shall, when re-
2 quired, attend the legislature during their sessions,
3 and shall give his opinion upon all questions of law
4 submitted to him by either branch of the legislature,
5 or by the governor and council; and shall give his
6 aid and advice in the arrangement and preparation of
7 legislative documents and business, when required by
8 either branch of the legislature.

1 SECT. 7. The attorney general shall, when re-
2 quired by the treasurer and receiver general of the
3 Commonwealth, the secretary, adjutant general, and
4 land agent, consult and advise with them respectively,
5 on any questions of law that may arise in the course
6 of their official business.

1 SECT. 8. The attorney general shall see that all
2 funds given and appropriated to public charities with-
3 in this Commonwealth, are duly applied to their re-
4 spective objects; and he is hereby authorized and
5 required to use all lawful process to prevent the mis-
6 application thereof, and to apply all lawful remedies
7 to the correction of abuses, and breaches of trust, in
8 the administration of the same.

1 SECT. 9. The attorney general is hereby author-
2 ized, whenever in his judgment the interests of the
3 Commonwealth shall require it, to file informations,
4 or other proper process, against all persons who in-
5 trude, without right, on the lands, rights, or property
6 of the Commonwealth, or commit or erect nuisances
7 thereon, and prosecute the same to final judgment.

1 SECT. 10. The attorney general shall attend to
2 all proceedings for additional punishment against
3 convicts in the State's Prison; and shall also assist
4 the attorney for the Suffolk district, by attending the
5 grand jury for the county of Suffolk, whenever such
6 attorney is required to be in court, or whenever he is
7 unable to attend such grand jury for any cause what-
8 ever.

1 SECT. 11. The attorney general shall hold his
2 office for the term of five years from the date of his
3 commission, unless sooner removed by the governor
4 and council.

1 SECT. 12. The attorney general shall receive a
2 salary of _____ a year, to be paid out of the
3 treasury of the Commonwealth in equal quarterly
4 payments, in full of all services rendered by him in
5 said office.

1 SECT. 13. All acts and parts of acts inconsistent
2 with this act are hereby repealed.

1 SECT. 14. This act shall take effect from and after
2 its passage.